



The Rights of the Fated



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Statement of Problem: Whether it is acknowledged or not, all humans are obsessed with death. Since death is the one thing that is promised to all humans, it only makes sense to protect certain unalienable rights in death. Human rights should have no limit as to how far they stretch, so as long as one is a human being, alive or dead, one should receive rights. However, a deceased person does not require the same human rights as outlined on the Universal Declaration of Human Rights. Instead, deceased persons should simply have the right to not be mutilated or defiled. The Universal Declaration of Human Rights¹ is a decree that most people can agree with and adopt. Everyone deserves the right to freedom and equality without being persecuted for claiming those rights. One issue with the UDHR is that there are no specific rights that are geared to the deceased. For obvious reason, the deceased do not need all of the same rights as alive persons, however, universal rights should also be established for the deceased. Just as the living have a right to security, the deceased should also have the right to be protected from mutilation. With no defined extension of human rights to the deceased, there is no way to ensure that dearly beloved deceased can continue an eternal slumber peacefully. Rights for the deceased are important because they give an indication of what people can expect once they have passed. Since there is no concrete evidence of what happens after death, at least people will have the comfort of knowing they will rest without any sort of mutilation being performed on their lifeless and uncontrolled bodies.



- Preliminary Research Questions:
1. Do rights for the deceased exist globally?
 2. Can having rights for the deceased cause a positive impact on the security of human beings?
 3. Could rights of the deceased be added on to the Universal Declaration of Human rights?

- Preliminary Hypothesis:
1. Few nations have laws prohibiting mutilation to the deceased, however, there is no universal human rights law that exists for this matter.
 2. Having rights for the deceased will create a sense of security for human beings because they will have the satisfaction of knowing that neither their own bodies nor the people they love will be mutilated or defiled for malicious intent without being punished for it.
 3. Rights of the deceased could be a new addition to the UDHR since these rights promote human rights and encourage everyone to follow the rights of the living more closely.



Table 1.1 Comparison of Laws Relating to Necrophilia in Some Select Nations and

Jurisdictions ² Country/ Jurisdiction	Maximum Imprisonment	Maximum Fine	Relevant Law Regarding Necrophilia
Canada	Up to 5 years	-	Section 182 of the Criminal Code of Canada
France	1 year	15,000 Euros	Article L225-17 of French Penal Code
Germany	3 years	Any Amount	Section 168 of The German Criminal Code (Strafgesetzbuch, StGB)
India	1 year	Any Amount	Section 297 of Indian Penal Code
UK	Up to 6 months on summary conviction and up to 2 years on conviction on indictment	Not exceeding the statutory maximum	Section 70 of the Sexual Offences Act 2003

Notes:
¹United Nations. Accessed March 04, 2017. [Universal-declaration-human-rights/](#).
²*Legal aspects*. Boca Raton: CRC Press, 2011. PDF.